



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: October 19, 2011

CBCA 94, 102, 106, 137, 138, 139, 140

SHAWN MONTEE TIMBER CO., INC.,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Richard W. Goeken of Saltman & Stevens, P.C., Washington, DC, counsel for Appellant.

Jennifer T. Newbold, Office of the General Counsel, Department of Agriculture, Missoula, MT; and Benjamin Hartman, Office of the General Counsel, Department of Agriculture, Portland, OR, counsel for Respondent.

Before Board Judges **VERGILIO**, **POLLACK**, and **STEEL**.

POLLACK, Board Judge.

On October 6, 2011, the parties submitted a joint stipulation for judgment, which provided that the parties had executed a settlement agreement settling and mutually releasing any and all claims arising out of, or related to the above-captioned appeals. In settlement, the Government agrees to pay appellant \$175,000, such amount to include all interest, fees, costs, and attorney fees. The parties ask that the Board enter judgment for \$175,000 with payment to be made through the permanent indefinite judgment fund. The settlement agreement provided with the joint stipulation provides that the Board's decision will be final and binding upon the parties and not subject to further appeal.

Decision

The Board **GRANTS IN PART** the appeals. In accordance with the parties' stipulation and settlement agreement, the Board awards appellant \$175,000 for all claims on the above-captioned appeals. Payment is to be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2006).

HOWARD A. POLLACK
Board Judge

We concur:

JOSEPH A. VERGILIO
Board Judge

CANDIDA S. STEEL
Board Judge